

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8688 OF 2006

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ORAL ORDER:

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This writ petition is filed seeking a declaration that the impugned notice dated 3.04.2006 issued by the 3rd respondent under the provisions of the Employees' Provident Fund and Miscellaneous Provisions Act, 1952 (for short "the Act"), seeking to execute the order under Section 7A of the Act, by arrest and imprisonment of the petitioners, as arbitrary and illegal.

Though the petitioners did not dispute the fact that an order was passed under Section 7A of the Act on 1.04.2004, determining the amount payable by the petitioners towards arrears of provident fund contributions, it is stated that the said order was passed without notice to the petitioners, and even a copy of the said order was not served on them, and therefore, they filed an application under sub-section (4) of Section 7A of the Act on 5.04.2006 to set aside the order dated 1.04.2004. The grievance of the petitioners is that while the said application is still pending, the respondents are taking coercive steps for recovery of the amount due by arrest and detention under the impugned notice.

I have heard the learned counsel for the petitioners as well as the learned Standing Counsel appearing for the respondents.

Since, admittedly, the application filed under sub-section (4) of Section 7A of the Act, for setting aside the determination made under Section 7A of the Act, is pending, it would be appropriate not to enforce the order under Section 7-A of the Act till the said application under Section 7A(4) of the Act is decided on merits.

Accordingly, the writ petition is disposed of with a direction to the 2nd respondent to consider the application filed by the petitioners under sub-section (4) of Section 7A of the Act, and to pass appropriate orders in accordance with law, as expeditiously as possible, preferably within a period of four weeks from the date of receipt of a copy of this order. Till such time, the Impugned notice dated 3.04.2006 shall not be given effect to. No costs.

(G. ROHINI, J.)

26th April, 2006.

Kgr

Issue CC in three days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.8688 OF 2006

26th April, 2006.

Between:

M/s Saparna Infotech Limited,
7-1-59 (428), 3rd Floor, Flat No.303,
above Syndicate Bank, Ameerpet,
Hyderabad, represented by its
Managing Director – Bhupathi Raju
Satyanarayana Raju and another. .. Petitioners.

And

Employees provident fund Organisation,
Andhra Pradesh, Barkathpura, Hyderabad,
Represented by its Regional Provident Fund
Commissioner, Hyderabad and two others. . . Respondents.